

AS



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,141	12/12/2001	Thomas C. Amon	BRNET-005A	2483
7663	7590	01/26/2005		
STETINA BRUNDA GARRED & BRUCKER 75 ENTERPRISE, SUITE 250 ALISO VIEJO, CA 92656				
			EXAMINER FLEARY, CAROLYN FATIMAH	
			ART UNIT 2152	PAPER NUMBER

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,141

Applicant(s)

AMON, THOMAS C.

Examiner

Carolyn F. Fleary

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required.

See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

- It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.
- It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

Specification

2. The abstract of the disclosure is objected to because of the following informalities:

The abstract includes a file listing/file path name. The sheet or sheets presenting the abstract may not include other parts of the application or other material. Correction is required. (See MPEP 608.01(b))

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2152

2. Claim 1-3, 7-9, 11 -13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck et al. (US 6268856) in view of Menard et al. (US 6,563,910).

a. **In regards to claim 1**, Bruck et al. discloses, a method of providing information (i.e. advertisements) to a user computer connected to a system of networked computers, the method comprising:

- Receiving a first request for an action from the user computer over the system of networked computers (col 3 lines 24-28, col 7 lines 20-24, 50-57); and
- interrupting the first request for the action by sending information (i.e. advertisements) to be displayed on the user computer the user computer over the system of networked computers (col 8 lines 29-37).

Bruck et al. is silent on emergency information.

Menard et al. teaches an emergency response system. Emergency information is inputted into the system in response to an emergency situation (col 1 lines 32-40). This information is posted on the Internet as a web page, which is accessible via the Internet (col 4 lines 41- 48) and includes links to documents that include additional information corresponding to the emergency event (col 4 lines 48-52). Menard et al. teaches that users connected via a wireless link using computing devices such as personal data assistant (pda), or GPS receiver (col 5 lines 22-27, col 8 lines 25-26) receives notification that an emergency event has occurred (col 5 lines 29-32) that includes links to additional information. These notifications are sent using multicasting which permit multiple computers to receive a single emergency message (col 6 lines 28-29). Users at multiple computers such as emergency personal, and computer users can access a link on the web page that display additional information regarding an emergency event (col 12 lines 8-27).

It is obvious to one of ordinary skill in the art that providing emergency information is merely a field of use and that the advertisements of Bruck et al. obviously can be any type of information including information that advertises emergency situations to users. One of ordinary skill in the art at the time of invention would have clearly recognized that it is quite advantageous for the method of Bruck et al. to include emergency information in order to communicate emergency information to many users while improving the response time and efficiency during the time period following an emergency event such that improved emergency response may reduce losses and suffering (See Menard et al. col 1 lines 65-67, col 2 lines 1-23, col 3 lines 40-50).

b. **In regards to claim 2**, Bruck et al. discloses the method of Claim 1, further comprising:

- sending information that is responsive to the first request for the action to user computer over the system of networked computers (figure 6 col 8 lines 37-42).

c. **In regards to claim 3** Bruck et al. discloses the method of Claim 2, wherein sending information that is responsive to the first request for the action:

- occurs after a predetermined amount of time. (col 2 lines 12-20)

d. **In regards to claim 7**, Bruck et al. discloses the method of Claim 1, wherein the first request for the action comprises a request to view a web page (col 6 lines 40-48).

e. **In regards to claim 8**, the method of Claim 1 modified above discloses, wherein the emergency information is provided by a governmental entity (See Bruck

Art Unit: 2152

et al. col 6 lines 57-61). (i.e. *National Weather service is a branch of the National Oceanic and Atmospheric Administration; Division of the Department of Commerce*)

f. **In regards to claim 9**, Bruck et al. discloses the method of Claim 1, wherein the emergency information comprises information regarding weather related emergency (col 6 lines 57-61)

g. **In regards to claim 11**, Bruck et al. discloses the method of Claim 1, wherein the information is provided to a user computer.
Bruck et al. is fails to disclose emergency information provided to a plurality of users.

Menard et al. teach that emergency information are sent to many users (col 6 lines 28-29)

It is obvious to one of ordinary skill in the art that providing emergency information is merely a field of use and that the advertisements of Bruck et al. obviously can be any type of information including information that advertises emergency situations to users. It would be obvious to one of ordinary skill in the art at the time of the invention to send emergency information to a plurality of users in order to in order to communicate emergency information to many users (i.e. law enforcement, emergency personnel, network administrators) while improving the response time and efficiency during the time period following an emergency event such that improved emergency response may reduce losses and suffering (See Menard et al., col 1 lines 65-67, col 2 lines 1-23, col 3 lines 40-50; See Bates col 8 lines 15-22)..

Art Unit: 2152

h. **In regards to claim 12**, Bruck et al discloses a method of receiving information (i.e. advertisements) at a user computer connected to a system of networked computers, the method comprising:

- receiving a first user request for an action from a user of the user computer (col 3 lines 24-28, col 7 lines 20-24, 50-57);
- transmitting the first user request for the action to a server over the system of networked computers (figure 6 col 8 lines 37-42;
- receiving information in response to the first user request for the action instead of receiving information that is responsive to the first request for the action(col 8 lines 29-37); and
- displaying the information on the user computer(col 8 lines 29-37).

Bruck et al. is silent on emergency information.

Menard et al. teaches an emergency response system. The emergency information is inputted into the system in response to an emergency situation (col 1 lines 32-40). This information is posted on the Internet as a web page, which is accessible via the Internet (col 4 lines 41- 48) and includes links to documents that include additional information corresponding to the emergency event (col 4 lines 48-52). Menard et al. teaches that users connected via a wireless link using computing devices such as personal data assistant (pda), or GPS receiver (col 5 lines 22-27, col 8 lines 25-26) receives notification that an emergency event has occurred (col 5 lines 29-32) that includes links to additional information. These notifications are sent using multicasting which permit multiple computers to receive a single emergency message (col 6 lines 28-29). Users at multiple computers such as emergency personal, and computer users can access a link on the web page that display additional information regarding an emergency event (col 12 lines 8-27).

Art Unit: 2152

It is obvious to one of ordinary skill in the art that providing emergency information is merely a field of use and that the advertisements of Bruck et al. obviously can be any type of information including information that advertises emergency situations to users. One of ordinary skill in the art at the time of invention would have clearly recognized that it is quite advantageous for the method of Bruck et al. to include emergency information in order to communicate emergency information to many users while improving the response time and efficiency during the time period following an emergency event such that improved emergency response may reduce losses and suffering (See Menard et al. col 1 lines 65-67, col 2 lines 1-23, col 3 lines 40-50).

i. **In regards to claim 13**, Claim 12 as modified above further discloses the method of, wherein

- the emergency information fills an entire screen display on the user computer (See Bruck et al. fig 6-#118).

3. **Claim 4, 5, 10, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck et al. (US 6268856) in view of Menard et al. (US 6,563,910) further in view of Bates et al. (US 6,785,732)**

j. **In regards to claim 4**, the method of Claim 2 as modified above fail to disclose, wherein sending information that is responsive to the first request for the action occurs:

- after receiving a second request for an action.

Bates et al. teaches computer viruses have emerged as a threat to data in computer systems and that viruses have infected computers all over the world while destroying vast amounts of data (col 1 lines 42-45). It is obvious to one of ordinary skill in the art that virus information is merely another type of emergency information that may be advertised to a user. Bates et al. teaches virus checkers and mechanisms for checking download files (i.e. web pages) and web sites for possible viruses (fig 400, 800, 900; col 2 lines 10-14). Unlike prior art virus checking system that operate on a single computer, Bates et al. teaches a conduit (i.e. server) that contains a virus checker to protect a plurality of computers connected to it from viruses. (col 1 lines 63-67, col 2 lines 1-7, col 4 lines 47-50) This allows one virus checker to service a large number of computers and the process of updating the virus checker to recognize new virus information is simplified (col 4 lines 51-54). Upon receiving a first request for a web page the Bates et al. system sends a virus notification regarding the request and asks the user if he/she want to continue. By confirming positively (i.e. yes) the user is sending a second request for action. Once a positive confirmation is received the first request is fulfilled (figure 900, col 10 lines 64 - 67).

One of ordinary skill in the art at the time of invention would have clearly recognized that it is quite advantageous for the for the Bruck et al., Menard et al. methods to fulfill a first request only after receiving a second request for action in order to ensure that the user receives the notification and obtain confirmation whether positive or negative of the receipt of the notification and to include virus information is merely another type of emergency information that may be advertised to many users that may be affected in order to reduce and/or prevent the infiltration

Art Unit: 2152

of viruses on a system of networked computers. (See Bates et al. col 1 lines 63-67, col 2 lines 1-7, col 4 lines 38-43, col 8 lines 15-22)

k. **In regards to claim 5**, The method of Claim 4 as modified above discloses, wherein the second request for the action comprises:

- a request for additional emergency information generated in response a user of the user computer clicking a specified area in the emergency information displayed on the user computer (See Menard et al. col 12 lines 8-27).

l. **In regards to claim 10**, the method of claim 1 as modified above fails to disclose, wherein

- the emergency information comprises information regarding a computer.

Bates teaches computer viruses have emerged as a threat to data in computer systems and that viruses have infected computers all over the world while destroying vast amounts of data (col 1 lines 42-45). Bates et al. teaches virus checkers and mechanisms for checking download files (i.e. web pages) and web sites for possible viruses (fig 400, 800, 900; col 2 lines 10-14). Unlike prior art virus checking system that operate on a single computer, Bates et al. teaches a conduit (i.e. server) that contains a virus checker to protect a plurality of computers connected to it from viruses. (col 1 lines 63-67, col 2 lines 1-7, col 4 lines 47-50). This allows one virus checker to service a large number of computers and the process of updating the virus checker to recognize new virus information is simplified (col 4 lines 51-54).

Art Unit: 2152

Upon detection of virus information the Bates et al. method informs the user of computer virus information (col 2 lines 21-24, col 8 lines 15-22, col 10 lines 47 - 50, col 10 lines 63-67)

One of ordinary skill in the art at the time of invention would have clearly recognized that it is quite advantageous for the Bruck et al., Menard et al. method, as shown in claim 1 as modified above, to include information regarding computer viruses in order to reduce and/or prevent the infiltration of viruses on a system of networked computers (See Bates et al. col 1 lines 63-67, col 2 lines 1-7, col 4 lines 38-43, col 8 lines 15-22)

m. **In regards to claim 16,** The method of Claim 5 as modified above, further comprising sending additional emergency information to be displayed on the user computer in response to the second request for the action (See Bates figure 900, col 10 lines 64 - 67).

n. **In regards to claim 17,** The method of Claim 12 as modified above fails to disclose further comprising:

- receiving a second user request for an action.

Bates et al. teaches computer viruses have emerged as a threat to data in computer systems and that viruses have infected computers all over the world while destroying vast amounts of data (col 1 lines 42-45). It is obvious to one of ordinary skill in the art that virus information is merely another type of emergency information that may be advertised to a user. Bates et al. teaches virus checkers and mechanisms for checking download files (i.e. web pages) and web sites for possible viruses (fig 400, 800, 900; col 2 lines 10-14). Unlike prior art virus checking system that operate on a single computer, Bates et al. teaches a conduit (i.e. server) that

Art Unit: 2152

contains a virus checker to protect a plurality of computers connected to it from viruses. (col 1 lines 63-67, col 2 lines 1-7, col 4 lines 47-50). This allows one virus checker to service a large number of computers and the process of updating the virus checker to recognize new virus information is simplified (col 4 lines 51-54). Upon receiving a first request for a web page the Bates et al. system sends a virus notification regarding the request and asks the user if he/she want to continue. By confirming positively (i.e. yes) the user is sending a second request for action. Once a positive confirmation is received the first request is fulfilled (figure 900, col 10 lines 64 – 67).

One of ordinary skill in the art at the time of invention would have clearly recognized that it is quite advantageous for the for the Bruck et al., Menard et al. methods to fulfill a first request only after receiving a second request for action in order to ensure that the user receives the notification and obtain confirmation whether positive or negative of the receipt of the notification and to include virus information is merely another type of emergency information that may be advertised to many users that may be affected in order to reduce and/or prevent the infiltration of viruses on a system of networked computers. (See Bates et al. col 1 lines 63-67, col 2 lines 1-7, col 4 lines 38-43, col 8 lines 15-22)

o. **In regards to claim 18**, The method of Claim 17 as modified above, wherein second wherein the second request for the action is:

- a request for additional emergency information (See Menard et al. col 12 lines 8-27).

Art Unit: 2152

p. **In regards to claim 19**, The method of Claim 18 as modified above discloses, further comprising:

- receiving the additional emergency information (See Menard et al. col 12 lines 8-27); and
- displaying the additional emergency information (See Menard et al. col 12 lines 8-27).

4. **Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck et al. (US 6268856) in view of Menard et al. (US 6,563,910) in further view Murray (US 6,392, 668).**

q. In regards to claim 14, the method of Claim 12 discloses wherein the emergency information displays on the user computer (Bruck et al. col 8 lines 29-37, Menard et al. col 12 lines 8-27).

The method of claim 12 as modified above fails to disclose the emergency information flashing on a screen display on the user computer.

Murray teaches emphasizing information with dynamic affects such as blinking (i.e. flashing) in order to draw attention to a particular portion of a displayed screen (col 6 lines 33-37).

One of ordinary skill in the art at the time of invention would have clearly recognized that it is quite advantageous for the system of claim 12 as modified above to incorporate flashing in order to draw the users attention to the emergency information (See Murray col 6 lines 33-37).

Art Unit: 2152

5. **Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable ver Bruck et al. (US 6268856) in view of Menard et al. (US 6,563,910) in further view of Neumann.**

r. In regards to claim 15, the method Claim 12 as modified above fails to disclose

- wherein the emergency information is displayed in a color that is noticeable

Neuman teaches color a an effective means of conveying information to a user (pg 972 col 2 para 3) and color the is visible in all types of lighting conditions (pg 974 col 1 para 4).

One of ordinary skill in the art at the time of invention would have clearly recognized that it is quite advantageous for the emergency information of claim 12 as modified above to include a color that is noticeable so that the information may effectively convey information to users and is visible in all types of lighting conditions. (Neumann pg 972 col 2 para 3 pg 974 col 1 para 4)

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Emergency or Alarm Communications

- Chen, Jennifer H. et al. (US 6553100) Intelligent alerting systems
- Newland, David et al. (US 6724861) Method and apparatus for disseminating emergency warning information
- Day, J. Cameron (US 6463273) Wireless warning system

Art Unit: 2152

- Weiser, Douglas Diedrich (US 6112075) Method of communicating emergency warnings through an existing cellular communication network, and system for communicating such warnings

Remote Data Accessing using Interconnected Networks

- Judson, David H. (US 557264) Web browser with dynamic display of information objects during linking

Notification Systems on a Network

- Piccioni, Robert L. (US 6842774) Method and system for situation tracking and notification
- Flanagan, John Patrick (US 6169476) Early warning system for natural and manmade disasters
- Zimmers, Steven L. et al. (US 6816878) Alert notification system

Automated Business Practices or Management Arrangement

- Murphy, Arthur J. (US 5305195) Interactive advertising system for on-line terminals
- Shuster, B. M. (WO 200127802) Method and Apparatus for providing Content to Users

Operator Interface Interaction

- Addison, Ian. (US 6630941) Self-service terminal

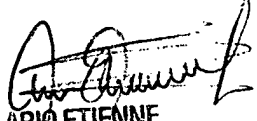
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn F. Fleary whose telephone number is (571) 572-721. The examiner can normally be reached on 8:30 - 4:00.

Art Unit: 2152

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Carolyn F Fleary
Examiner
Art Unit 2152


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
BIOLOGY CENTER 2100